

Cottonwood Springs Replat A

City of El Paso — City Plan Commission — 3/21/2019

SUSU19-00004 — Resubdivision Combination [Applicant requested to delete item](#)



STAFF CONTACT: Brenda Cantu, (915) 212-1642, cantubr@elpasotexas.gov

Owner: Humberto P. Moreno and Gysel Y. Quintero

REPRESENTATIVE: CAD Consulting

LOCATION: North of Borderland and West of Doniphan, ETJ

ACREAGE: 5.3681

VESTED: No

PARK FEES REQUIRED: \$2,740

EXCEPTION/MODIFICATION REQUEST: N/A

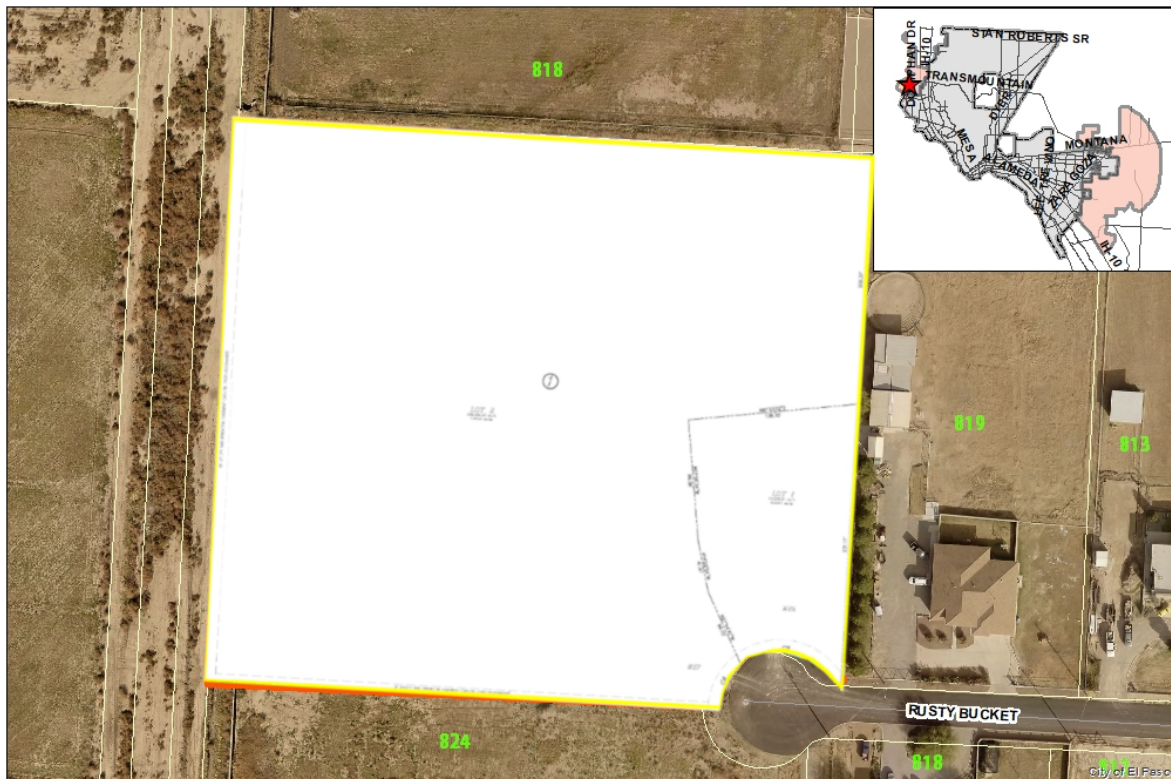
RELATED APPLICATIONS: N/A

PUBLIC INPUT: Yes

STAFF RECOMMENDATION: Pending

SUMMARY OF REQUEST: The applicant proposes to resubdivide 5.3681 acres into two single-family lots. This subdivision is being reviewed under the current subdivision code. Access to the proposed subdivision will be provided via Rusty Bucket Court.

SUMMARY OF DCC RECOMMENDATION: Planning staff and the Development Coordinating Committee's (DCC) recommendation is pending in order to properly send notifications for the public meeting.



DESCRIPTION OF ANY EXCEPTIONS, MODIFICATIONS, OR WAIVERS

N/A

NEIGHBORHOOD CHARACTER: Subject property is located within the City of El Paso's extraterritorial jurisdiction. The surrounding land uses are residential and vacant land. The nearest school is Garcia Elementary (.20 miles). The nearest park is Inca Park (.30 miles). This property is not located within any Impact Fee Service Area.

COMMENT FROM THE PUBLIC: Notice of public hearing was published in the El Paso Times on January 22, 2019 and a notice was mailed to all property owners within the 200 feet of the subject property and within the original subdivision on February 4, 2019. Staff has received 5 phone calls 2 letters and 1 email in opposition of the proposed resubdivision of Cottownwood Estates.

PLAT EXPIRATION:

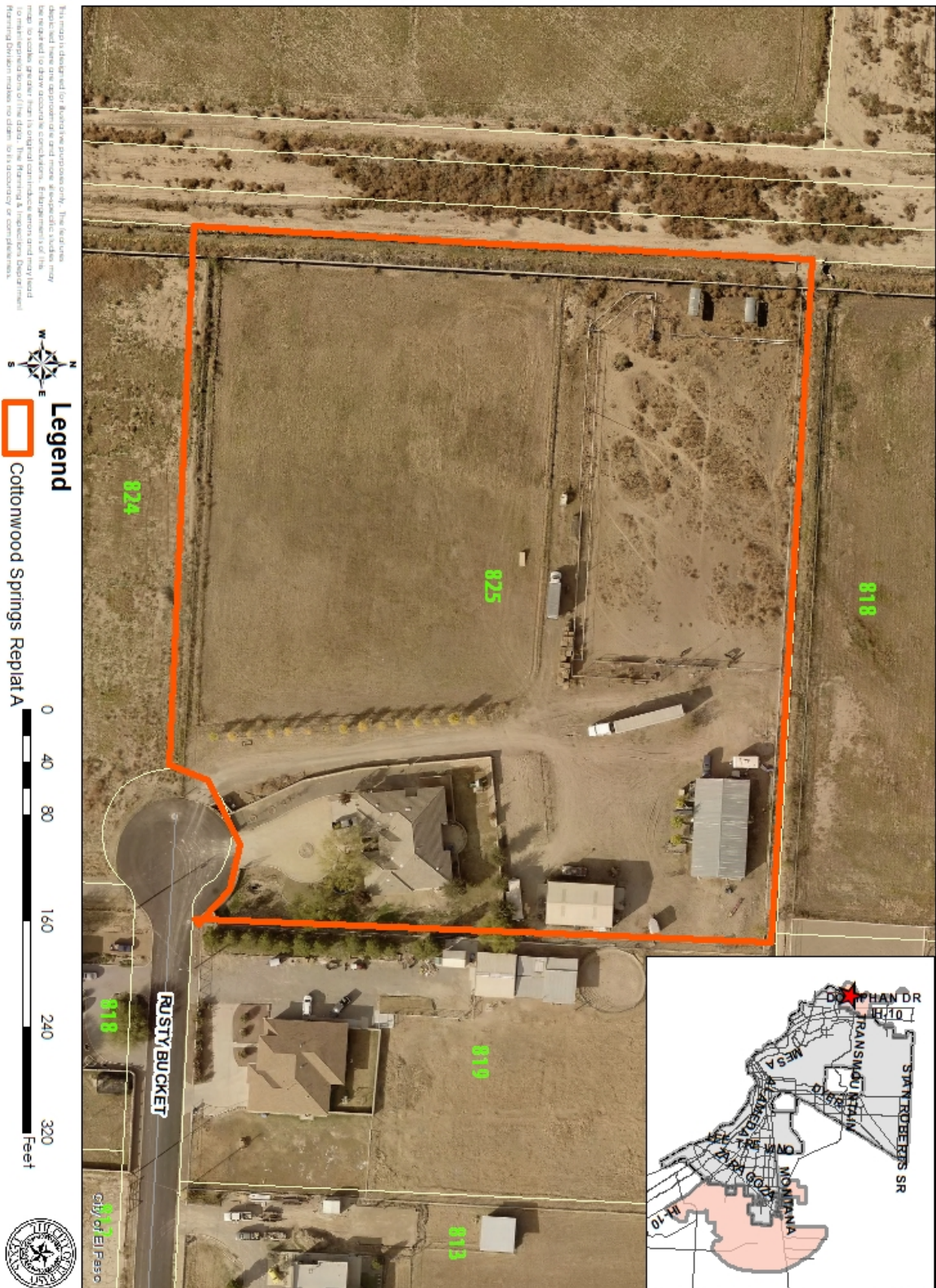
This application will expire on **March 21, 2022**. If the final plat has not been recorded within the specified date, the final plat approval, unless extended in accordance with Chapter 19.41 (Expiration, extension and reinstatement), shall expire and the applicable plat shall be deemed null and void.

ATTACHMENTS:

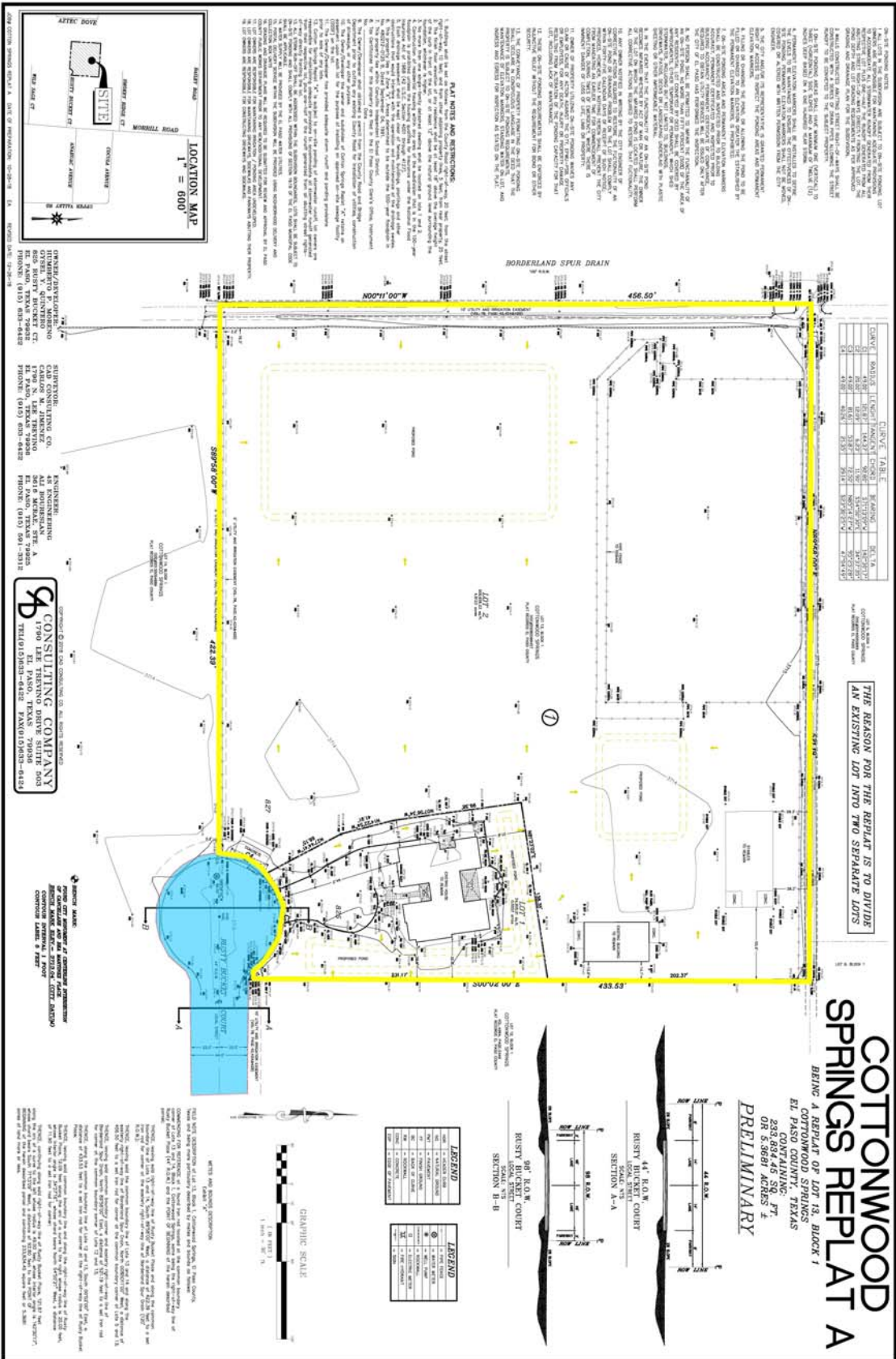
1. Aerial Map
2. Preliminary plat
3. Final plat
4. Application
5. Department Comments
6. Letters of opposition

ATTACHMENT 1

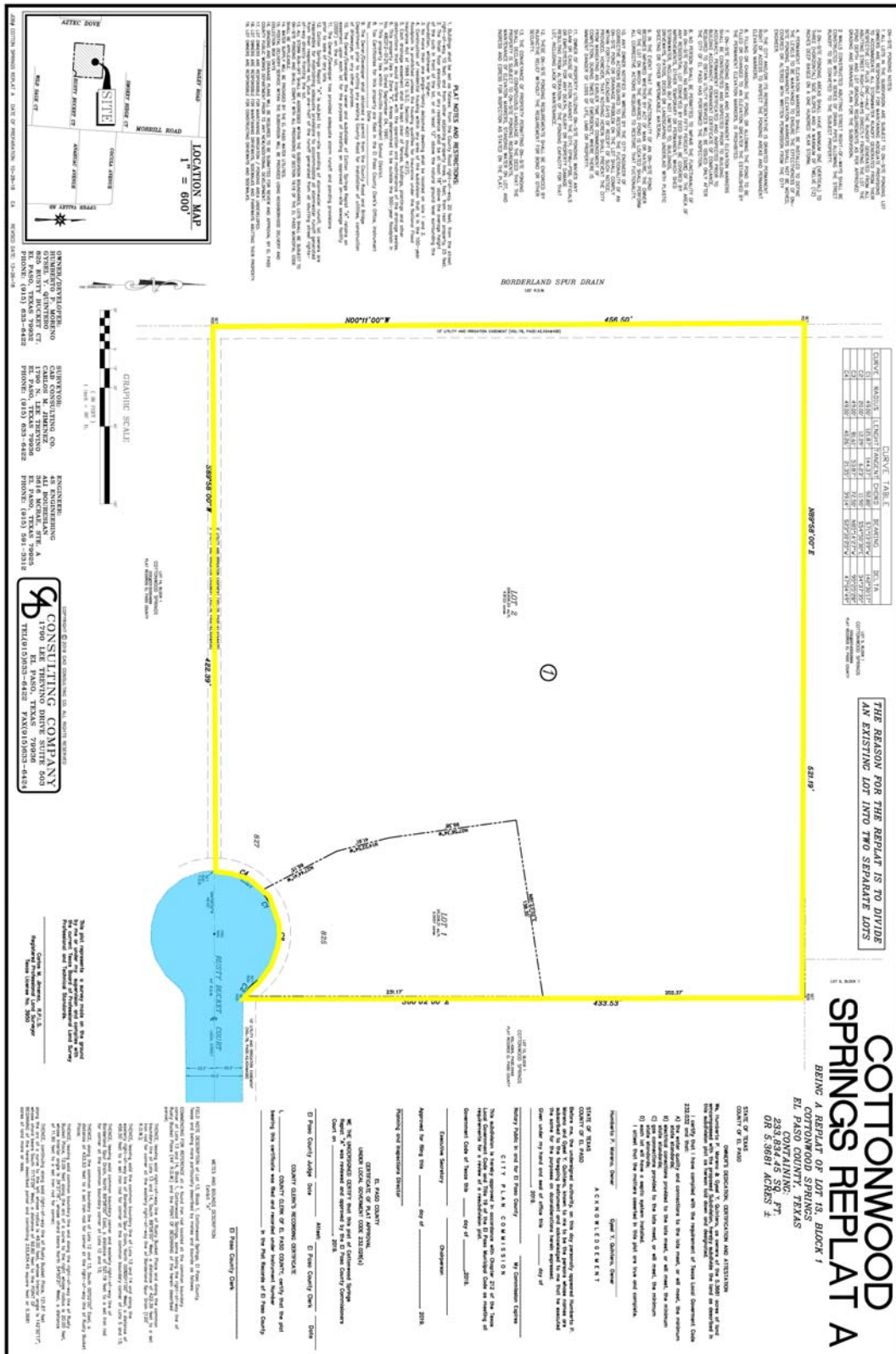
Cottonwood Springs Replat A



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



RESUBDIVISION COMBINATION APPLICATION

DATE: _____ FILE NO. SUSU19-00004

SUBDIVISION NAME: COTTON WOOD SPRINGS RE-PLAT A

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
LOT 13, BLOCK 1
COTTON WOOD SPRINGS

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	<u>5.3681</u>	<u>2</u>	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	_____	_____	_____
School	_____	_____	_____	_____	_____
Commercial	_____	_____	Total No. Sites	_____	<u>2</u>
Industrial	_____	_____	Total (Gross) Acreage	<u>5.3681</u>	_____

3. What is existing zoning of the above described property? _____ Proposed zoning? _____

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes ☒ No ☐

5. What type of utility easements are proposed: Underground ☐ Overhead ☐ Combination of Both ☒

6. What type of drainage is proposed? (If applicable, list more than one)
ON-SITE PONDING

7. Are special public improvements proposed in connection with development? Yes ☐ No ☒

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes ☐ No ☒
If answer is "Yes", please explain the nature of the modification or exception _____

9. Remarks and/or explanation of special circumstances: _____

10. Improvement Plans submitted? Yes ☐ No ☒

11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes ☐ No ☒

If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested Rights

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

12. Owner of record HUMBERTO P. MORENO & GYSEL Y. QUINTERO 201-8370
(Name & Address) (Zip) (Phone)

13. Developer _____
(Name & Address) (Zip) (Phone)

14. Engineer CAD CONSULTING CO. 633-6422
(Name & Address) (Zip) (Phone)

OWNER SIGNATURE: [Signature]

REPRESENTATIVE SIGNATURE: [Signature]

REPRESENTATIVE CONTACT (PHONE): 915-633-6422

REPRESENTATIVE CONTACT (E-MAIL): CADCONSULTING1@AOL.COM

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING
UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND
COMPLETENESS.

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

PLANNING AND INSPECTION DEPARTMENT – PLANNING

Developer / Engineer shall address the following comments:

1: Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:

- a: Current certificate tax certificate(s)
- b: Current proof of ownership.
- c: Release of access document, if applicable.
- d: Set of restrictive covenants, if applicable.

2: Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

PLANNING AND INSPECTION DEPARTMENT – LAND DEVELOPMENT

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

- 1. Show existing and proposed drainage flow pattern arrows on the preliminary plat and identify the discharge pond location(s) for all storm water runoff or a typical lot storm-water runoff detail. No drainage calculations nor details needed at this time.
- 2. Show proposed drainage flow pattern for lot 1.
- 3. Provide the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel information on the preliminary & filing plat.
- 4. The elevation marker shown on the detail needs to be modified: the marker needs to extend one foot above the ground (DSC 2-7).
- 5. At the improvement plan stage, protect the subject property from storm-water runoff from the adjacent terrain.
- 6. The street cross-section for Rusty Bucket Ct. should show slope and direction.
- 7. Coordinate with The Water Improvement District #1 for any improvements or modifications affecting abutting irrigation ditches.

CAPITAL IMPROVEMENTS DEPARTMENT – PARKS

We have reviewed Cottonwood Springs Replat "A" a resubdivision combination plat map and on behalf of CID Parks & Planning Division, we offer Developer / Engineer the following comments:

Please note that this subdivision is located with-in the City of El Paso Extra Territorial Jurisdiction (ETJ) area and within the Northwest Artcraft B area of potential annexation by the City, thus subject to the calculation for "Parkland / Fees" as it is identified on the official map as described per ordinance Title 19 – Subdivision & Development Plats, Chapter 19.20 - Parks & Open Space as noted below:

Section 19.20.020 - Dedication Required

- A. Dedication Required. All subdivisions located within the corporate limits of the City of El Paso and within those areas designated in the City's extra territorial jurisdiction (ETJ), as identified on an official map kept in the Development Services Department.

Also, please note that subdivisions within the ETJ area do not have a zoning district designation however; applicant has submitted copy of preliminary covenants restricting the use to two (2) Residential lots therefore, "Park fees" will be assessed as follows:

1. If applicant provides copy of final signed / recorded covenants restricting the use to two (2) Residential lots and if gross density waiver is granted by the City Manager or the Planning Department designee, then Applicant shall be required to pay "Park fees" in the amount of \$2,740.00 based on the following calculations:

2 Residential Lots at a rate of \$1,370.00 per dwelling unit = \$2,740.00

Please allocate generated funds under Park Zone NW-14

Nearest Park: Inca Dove Park

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

EL PASO WATER

EPWater-PSB does not object to this request.

Public water and sewer is available to serve both lots in the subdivision. Please revise engineering report needs to be revised to reflect connection to the public sewer, no use of septic tank.

Water:

There is an existing 8-inch diameter water main that extends along Rusty Bucket Ct., approximately 10-feet south of and parallel to the northern right-of-way line of Rusty Bucket Ct. This water main is available for service.

EPWU records indicate one (1) 3/4-inch water service meter serving the subject property. The address for this service is 825 Rusty Bucket Ct.

Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Rusty Bucket Ct., approximately 18-feet north of and parallel to the southern right-of-way line of Rusty Bucket Ct. This sanitary sewer main is available for service.

General:

Separate water and sewer connections are required to each lot.

Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction work. New service applications are available at 1154 Hawkins, 3rd floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

TXDoT

No objections.

FIRE

No objections.

SUN METRO

No objections.

EL PASO WATER IMPROVEMENT DISTRICT NO. 1

Applicant needs to submit an application and irrigable land exhibit.

CENTRAL APPRAISAL

No objections.

COUNTY OF EL PASO

1. Reference covenant restrictions from original plat and clarifying if it still applies to this replat. Also, verify replat does not violate requirements in the covenants.
2. Change block number to 2.
3. Lot 1 should have an address of 821 Rusty Bucket Court and Lot 2 needs to be changed to 825 Rusty Bucket Court.
4. Lots 2 does not meet frontage requirements of Section 2.8 (r) of the subdivision regulations (variance required as presented).
5. Remove all existing improvements (gates, wall, covered structures, etc.) that encroach in ROW. See preliminary plat and aerial images.
6. Update the year to the signature blocks.
7. Meter for each lot required and sanitary sewer service required for each lot. Clarify on the engineering report.
8. Proposed drainage improvements shall be constructed prior to filing plat.
9. Add page numbers to each plat.
10. Specify whether the page with the cross-sections is the "map of topography" (Drainage report)? If so label sheet or is that page meant to be used for all?
11. Clarify whether the building in the rear of lot 1 is a non-residential structure. Add label to the building.
12. Show pond dimensions on Lot 1.
13. Label contours for the pond on Lot 1.
14. Elevation marker on Lot 1?
15. Remove cross-cut "C" from plat drawing.
16. Label street sections.
17. Label all sections of pond cross-cuts.
18. Verify lot is not flood-irrigated. If so, ponds will be inundated.
19. Label the structure on Lot 2.
20. Area on Lot 2 will not drain to pond.
21. Is entire area to be regraded? If so, show details.
22. Where is Section E-E?
23. Verify slope on the proposed 24' concrete driveway.

911

No comments received.

ATTACHMENT 6

To

Planning and Inspections department.

c/o Brenda R Cantu.

PO Box 1890

El Paso TX 79950.

Feb 18th, 2019.

We are writing to express our strong opposition to the proposed re-subdivision of Lot 13, Block 1, Cottonwoods Springs El Paso County, TEXAS.

We are the owners of Lot 14, Block 1 Cottonwood Springs (824 Rusty Bucket, El Paso TX), the lot immediately adjoining the above lot. When we brought our property, we agreed to the covenants, conditions and restrictions attached with it, which are recorded in volume 78, page 42 of the real property records of El Paso County, Texas.

These restrictions/covenants/conditions were established to enhance and protect the value of the property and are applicable to lots one through twenty-eight of Cottonwoods springs subdivision.

These restrictions run with the property and are binding to all owners, including the applicant.

The planning and inspection department should not allow the proposed re-subdivision of Lot 13, Block 1 to proceed, as it goes against these covenants/restrictions. Allowing one property owner to bypass these, can open the gates of others to pursue the same.

The value of our adjoining property is linked to having these covenants/restrictions enforced. If the planning commission allows the rezoning to proceed, we stand to suffer significant financial loss.

As such, we request the planning commission not to approve this proposed rezoning and will look at all legal means to preserve the value of our property.

Sincerely,



Sumit Gaur and Vani Shukla.

12166 Crystal Gate Drive

El Paso, TX 79936

Cantu, Brenda

From: Sharon and Neil Barentine <nbtopye@aol.com>
Sent: Wednesday, February 20, 2019 1:33 PM
To: Cantu, Brenda
Subject: Covenants covering COTTONWOOD SPRINGS subdivision
Attachments: RB Covenants 1.jpg; RB Covenants 2.jpg; RB Covenants 3.jpg; RB Covenants 4.jpg; RB Covenants 5.jpg; RB Covenants 6.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

City of El Paso Automated System Message | EMAIL SENDER UNVERIFIED:

The email from Sharon and Neil Barentine , sent by nbtopye@aol.com, cannot be verified as authentic. Please take caution, do not click on any links or open any attachments unless you trust the sender and know the content is safe.

Hello,

This is Neil Barentine.. I live on 818 Rusty Bucket Court in El Paso, 79932. I wanted to forward a copy of the covenants covering the 28 lots in the COTTONWOOD SPRINGS subdivision for your information.

My wife Sharon and I both strongly oppose any subdivisions of any of the lots. These reasonable restrictions were a primary reason we bought our house here in the first place in 2011. I am composing a more comprehensive letter to be forwarded to you soon.

Thank you for your attention to this very important matter

Neil Barentine

February 18, 2019

Planning & Inspections Department
c/o Brenda R. Cantu
P.O. Box 1890
El Paso, Texas 79950-1890

Greetings Ms. Brenda Cantu:

This is my written notification of protest regarding matters concerning the Application of Mr. Humberto P. Moreno and Gysel Y. Quintero to re-subdivide Lot 13, Block 1, Cottonwood Springs, El Paso, Texas.

I am qualified to protest under the Declaration of Covenants, Conditions, and Restrictions (referred to as "Covenants" hence forth in this document) by the El Paso Cottonwood Partners, L.P., dated May 12, 2003. The Restrictions, Article 15, establishes the "DURATION" of the restrictions are binding of the Owner, Owner's successors or assigns, and on all parties or persons claiming under the Owner for a period of twenty-five (25) years from the date of the Limited Partnership. I became a member of this Limited Partnership when I purchased Lot 21, Block 1, at 813 Wild Sage Ct, in May 2013.

I am protesting the application to re-subdivide 825 Rusty Bucket, El Paso, Texas 79932 under provisions of the Covenants. Restrictions, Article 1 establishes the "USE" of all of the property and any improvements constructed thereon may only be used for residential or agricultural purposes, subject to other "Restrictions" and not any other use including, without limitation, commercial or industrial use. Additionally, ONLY one single family dwelling may be placed or constructed, or permitted to remain, on any Lots or any portion thereof. Mr. Moreno currently has one single family dwelling on Lot 13. Therefore, an approval by the El Paso Planning and Inspections Department shall render Mr. Moreno and Ms. Quintero in strict breach of the Limited Partnership agreement of the El Paso Cottonwood Partners.

For additional consideration, the members of the Cottonwood Partners have consistently extended Mr. Moreno good graces for past violations of the afore mentioned provision – Restrictions, Article 1. I have personally witnessed commercial vehicles from Sysco Food Distributor semi-trucks and Don Carbon refrigerated box trucks frequently visiting Mr. Moreno's residence. This demonstrates commercial "use" of his property and breach of the covenants that govern land use in the Cottonwood Springs subdivision. The application to re-subdivide Lot 13 and past actions of Mr. Moreno & Ms. Quintero demonstrate gross disregard for binding contractual agreements without consideration of the other Limited Partners.

I strongly urge the El Paso Planning & Inspections Department to disapprove the application of Mr. Moreno and Ms. Quintero under provisions of the Covenants binding ALL residents of the Cottonwood Springs subdivision until May 11, 2028. Thank you for your time, attention, and consideration regarding this protest. I look forward to your favorable decision concerning my protest. Please contact the undersigned if you have any questions or require additional information.

Sincerely,



Mr. Willie & Bambi McRae III
Member (2013), El Paso Cottonwood Partners, L.P.
915.240.0281

Enclosures:

1. Declaration of Covenants, Conditions, and Restrictions, May 12, 2003